WP(C) 4673/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Mr R.Islam, learned counsel for the petitioner and Ms A Verma, learned Standing counsel, Health & Family Welfare Department, Govt.of Assam.

The case of the petitioner in short is that, while serving as a Food Inspector under the aforementioned department being appointed under Regulation 3(f) of the Assam Public Service Commission (Limitation and Functions) Regulation, 1951 , he responded to an advertisement published by the Assam Public Service Commission(for short 'Commission') for regular appointment to two post of Food Inspectors in the said department. The number of vacancies were raised to five vide Corrigendum dated 12.11.2003 issued by the Commission. Following the selection, a list of 12 candidates was drawn up by the Commission in which the petitioner's name figured at Sl. No.12. The petitioner approached this Court with WP(C) No.6964/2004 challenging the exercise which was ,however, rejected by order dated 11.8.2005 passed therein.

It is submitted at the Bar that , thereafter he instituted a writ proceeding being No.WP(C) No 1467/2007 on 26.3.2007 for being appointed on the basis of that list. The petition was eventually withdrawn.

The instant proceeding is the third endeavour on his part to secure the regular appointment to the post of Food Inspector.

The written instructions produced by the learned Standing counsel , Health and Family Welfare Department disclose that the select list dated 4.9.2004 published by the Commission was extended upto 3.9.2006 which on expiry thereof has become non est. According to the respondent authorities during the validity of the select list, five candidates in order of merit have been appointed. It has been pleaded that considering the position of the petitioner in the select list as well as the expiry of the term thereof, he cannot be accommodated as claimed by him.

Upon hearing the learned counsel for the parties and on a consideration of the facts as well as the instructions placed before this Court to the above effect, I am of the view that no writ of mandamus or direction can be issued to the respondents to provide appointment to the petitioner on the basis of his selection. The select list having expired on 3.9.2006 , considering the number of vacancies, no such remedy can be provided to the petitioner. The petition stands rejected. No costs.